

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

<b>Mark Messer, <i>et al.</i>,</b>	:	
Plaintiffs,	:	Case No. 1:22-cv-00438
vs.	:	Judge: Timothy S. Black
<b>Allstate Vehicle and Property Insurance Company,</b>	:	
Defendant.	:	

**JOINT RESPONSE TO THE COURT’S NOVEMBER 7, 2022 SHOW CAUSE ORDER**

Now comes Defendant Allstate Vehicle and Property Insurance Company, (“Allstate”), and Plaintiffs, Mark Messer and Jennifer Messer, (hereafter collectively (the “Parties”), by and through their undersigned counsel, and hereby jointly respond to this Court’s Order to Show Cause regarding the Parties’ failure to timely submit the Rule 26(f) report:

1. Upon receipt of Defendant’s removal of this action from State Court, Plaintiff’s counsel sent a proposed Rule 26(f) report to Defendant’s Counsel on August 18, 2022 requesting Defendant’s review and a date to meet and confer regarding same.
2. Plaintiffs’ counsel sent a revised proposed Rule 26(f) report to defense counsel on October 11, 2022.
3. Defense counsel made proposed changes to the report but inadvertently failed to send the revised report back to Plaintiff’s counsel.
4. At that time, the Rule 26 conference had not been scheduled.

5. After the Court scheduled the Initial Status Conference, Plaintiff's counsel emailed Defendant's counsel on October 14, 2022 requesting a meet and confer regarding the proposed Rule 26(f) report previously provided to Defendant's counsel.
6. Defense counsel, operating under the mistaken belief it sent the revised report back to Plaintiffs' counsel, was waiting for a response.
7. Plaintiffs' counsel contacted defense counsel immediately upon receipt of the Court's Show Cause Order, in response to which defense counsel sent the revised report.
8. The Parties' failure to timely file the 26(f) report was inadvertent and the result of a good faith misunderstanding.
9. The Parties are submitting the finalized Rule 26(f) report simultaneously with this Response.

Dated: November 14, 2022

Respectfully submitted,

ROLFES HENRY CO., LPA

/s/ Jason P. Walker

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*ATTORNEYS FOR PLAINTIFFS MARK AND JENNIFER  
MESSER*

**CERTIFICATE OF SERVICE**

I certify that on November 14, 2022, I filed the foregoing document using the Clerk of Court's ECF System. Notice of this Filing will be generated automatically to the email addresses for all attorneys of record.

/s/ Jason P. Walker

Jason P. Walker (0079535)